



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive . 101 Monroe Street . Rockville, Maryland 20850

Subject: Schedule of Fees for Permits, Licenses and Inspections – METHOD 3	Number: 9-05
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 2005

Montgomery County Regulation on:

SCHEDULE OF FEES FOR PERMITS, LICENSES AND INSPECTIONS – METHOD 3

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive
Regulation No. 9-05

Authority: Code Sections 49-38, 19-6, 19-45, 19-67, 30-11, 27A-5(e)
Supersedes: Regulation Nos. 97-92, 16-95, 31-95, 8-97, 15-97, 11-98, 26-00, 14-03
Council review: Method 3 under Code Section 2A-15
Register Vol. 22No.4

Comment Deadline: April 30, 2005
Effective Date: July 1, 2005
Sunset Date: None

SUMMARY: This regulation, in general, increases, by 6.4%, permit and license fees that cover the administration, plan-review and enforcement programs of the Department of Permitting Services. The current policy of increasing fees for inflation only is not sufficient to cover department cost increases. This regulation changes revenue policy to link fee increases more closely to labor-cost increases to address the department's funding needs. New fees added to this regulation are: fees for small land disturbing activities other than the construction of a primary building or an addition on a single-family residential lot that does not require the use of an engineered sediment control plan as determined by the department; and fees for review and approval of stormwater management as-built plans. Section VII of the regulation has been added to reflect a change in the indexing of fees. Section VIII was added to clarify fee charges. The regulation has also been revised to clarify existing fee descriptions.

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BACKGROUND INFORMATION: The Department of Permitting Services was established as a fee-supported enterprise within the Executive Branch of Montgomery County in 1996. Revenues that support the Department are established by Method 2 or Method 3 Executive Regulations and by County Council resolution. The Department of Permitting Services may raise this fee annually by regulation by a percentage that does not exceed the rate of the increase (if any) in the department's approved personnel costs for the then-current fiscal year compared to the approved personnel costs for the preceding fiscal year. These cost increases will reflect negotiated labor agreements, employee benefit cost adjustments, proficiency advancements, and other personnel cost factors. Where possible, productivity enhancements will be made to minimize fee increases.

I. ROAD AND RIGHT-OF-WAY CONSTRUCTION

All roadway-construction projects, or any construction activity within the boundaries of a dedicated public right-of-way; including roads, sidewalks/bikeways, curbs, gutters, and drainage systems; require a permit and will be charged a fee by the Department of Permitting Services.

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|----|--------------------|--------------------------------------|
| A. | Driveway Permit | 8.794% of the estimated project cost |
| B. | Grading Permit | 8.794% of the estimated project cost |
| C. | Paving Permit | 8.794% of the estimated project cost |
| D. | Storm Drain Permit | 8.794% of the estimated project cost |
| E. | Special Use Permit | 8.794% of the estimated project cost |

The estimated project cost is determined by the Director of the Department of Permitting Services based on average costs submitted on recent County capital-improvement project bids for comparable work. Permit fees are not transferable.

- F. **Permit Extension:** Road and right-of-way construction permits are valid for a period of 18 months. Upon written request, prior to the expiration of a permit and the payment of an extension fee, the original permit may be extended for 12 months. The fee to extend a permit is ten percent (10%) of the original fee, but not less than \$105.
- G. **Refunds:** In the case of an abandonment or discontinuance of a project under permit, a refund of up to 50 percent of the fee paid may be granted provided: (1) No construction has occurred, and (2) A written request for refund is made prior to the expiration date of the permit. Revoked, suspended, or invalid permits or permits in litigation are not eligible for refunds.
- H. **Temporary Construction Activities:** A permit is required for any temporary structure



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placed within a road or public right-of-way. A minimum fee of \$105 will be charged for a crane, dumpster, or scaffolding/pedestrian-walkway permit.

II. SEDIMENT CONTROL, STORMWATER MANAGEMENT, AND FLOODPLAIN DISTRICTS

A. General

1. Applications, including applications for revisions, must be accompanied by the permit fee or the minimum fee as specified.
2. All remaining fees must be paid prior to any subsequent submission for review or prior to permit issuance, whichever occurs first.
3. Stormwater management concept (SWMC) plans may include one or more of the following:
 - Onsite water-quality control
 - Onsite channel protection measures
 - Onsite recharge
 - Onsite flood protection
 - A waiver of any or all onsite control measures

All SWMC fees must be paid before the Department initiates reviews.

4. All Floodplain-District Permit fees must be paid at the time of application or before the Department initiates reviews.
5. In the case of an abandonment or discontinuance of a project under permit, a refund of up to 50 percent of the fee may be granted, provided: (1) No construction has occurred, and (2) A written request for refund is made prior to the expiration date of the permit. Revoked, suspended, or invalid permits or permits in litigation are not eligible for refunds.
6. Permit fees are not transferable.
7. The fee for a revision to a Sediment-Control Permit or a Floodplain-District Permit for changes of ownership is the minimum permit fee.
8. The fee for a change-of-legal-description or other administrative revision to a Sediment Control Permit or a Floodplain District Permit is 50% of the minimum permit fee.
9. The fee for replacement of a Performance Bond, Cash Bond, Irrevocable Letter of Credit, or Certificate of Guarantee is \$64. If the purpose of the replacement



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is to reduce the amount of the instrument due to partial completion of stormwater-management facilities, the fee is \$130.

B. Small-Land-Disturbing-Activities-Sediment-Control Permits

1. Construction of a primary building or addition on single-family residential lots or parcels:

a.	10,000 square feet, or fewer	\$370
b.	10,001 – 20,000 square feet	\$745
c.	Over 20,000 square feet	\$1,115

2. Other construction activities that do not require the use of an engineered sediment control plan, as determined by the Department

a.	Land disturbance 10,000 square feet or less	\$ 370
b.	Land disturbance greater than 10,000 square feet	\$ 745

C. Forest-Harvest Activities Sediment Control Permits \$120

**D. Maintenance-of-Stormwater-Management-Facilities
Sediment-Control Permits** \$320

E. Other Engineered Sediment-Control Permits and Revisions with Increased Disturbed Area

1.	Per square feet of disturbed area	\$0.037
2.	Minimum fee	\$1,115

**F. Technical Revisions to Engineered Sediment Control Permits
(with no increase in disturbed area)** 35% of original fee

1.	Minimum fee	\$1,115
2.	Maximum fee	\$2,445

G. Sediment-Control-Permit Extension

1. Sediment-Control Plans and Permits are valid for a period not to exceed two (2) years from the date of issuance or approval. Permit extensions are valid for one (1) year. The fee to extend all other Sediment-Control Permits, after written application



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and before expiration of the original permit, is \$0.0037 per square foot of disturbed area, as designated on the original permit or plan approval. The minimum fee for an extension is \$120.

H. Stormwater Management As-built Plans

The fee for the review and approval of stormwater management as-built plans is \$1115. An additional fee of \$1115 will be assessed when as-built plans are submitted for stormwater management facilities which have not been constructed in accordance with Department- approved plans.

I. Stormwater-Management-Concept-Plan Fees

1. For concepts of onsite stormwater-management for a single-family residential lot \$610
2. All other stormwater-management concept plans which are for development of 25 acres or fewer \$1,435
3. All other stormwater-management concept plans which are for development of greater than 25 acres \$1,835
4. Fees for revisions to previously approved stormwater-management-concept plans are 50% of the original fee

J. Floodplain-District Permit and Floodplain-Study Fees

1. Floodplain-District Permit \$425
2. Review and approval of studies that define, verify or modify Floodplain-District limits \$1,225
3. Review and approval of dam-breach studies using the TR-60-Q, Max estimation method \$425
4. Review and approval of all other dam-breach analyses \$1,225
5. Certification of Floodplain Limits not covered by H.1, H.2, H.3 or H4 \$105
6. Floodplain-District Permits are valid for two (2) years from the date of issuance. The fee to extend a Floodplain-District Permit is \$105 and is valid for one (1) year.



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III. WATER QUALITY REVIEW AND MONITORING IN SPECIAL PROTECTION AREAS

A. Preliminary-Water-Quality-Plan-Review Fees

1.	Five or fewer acres	\$840
2.	More than 5 - 15 Acres	\$1,575
3.	More than 15 - 25 Acres	\$2,300
4.	More than 25 - 75 Acres	\$4,100
5.	More than 75 - 125 Acres	\$5,120
6.	More than 125 - 175 Acres	\$6,135
7.	More than 175 - 225 Acres	\$7,150
8.	More than 225 - 275 Acres	\$8,160
9.	More than 275 - 325 Acres	\$9,175
10.	More than 325 - 375 Acres	\$10,195
11.	More than 375 Acres	\$11,210

B. Final Water-Quality-Plan-Review Fees

1.	5 Acres or less	\$690
2.	More than 5 - 15 Acres	\$1,390
3.	More than 15 - 25 Acres	\$2,080
4.	More than 25 - 75 Acres	\$4,025
5.	More than 75 - 125 Acres	\$5,325
6.	More than 125 - 175 Acres	\$6,625
7.	More than 175 - 225 Acres	\$7,915
8.	More than 225 - 275 Acres	\$9,215
9.	More than 275 - 325 Acres	\$10,510
10.	More than 325 - 375 Acres	\$11,810
11.	More than 375 Acres	\$13,110

- C. Stream-Monitoring Fees: Stream-monitoring fees in the amount of \$505 per acre must be paid by the permittee prior to issuance of the Sediment-Control Permit for the development site. For the purpose of fee calculation, the total acreage of the site as shown on the approved record plat shall be used. All fractions of acreage will be rounded to the



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nearest whole number. If the acreage fraction is .5, the next higher whole number will be used. The Department of Permitting Services collects this fee for the Department of Environmental Protection.

- D. Revisions: A revision fee in the amount of 35% of the original fee must be paid by the permittee for any significant amendments to the approved preliminary or final water-quality plan. Minor revisions to the approved preliminary or final water-quality plan do not require an additional plan-review fee.

IV. BENEFIT PERFORMANCES

A bona fide non-profit organization may conduct a performance for the exclusive benefit of a volunteer fire department, or a charitable, benevolent, patriotic, fraternal, educational, religious or civic object. A benefit performance includes an outdoor or indoor carnival, fair, picnic, dance, card party, bazaar, concert, contest, horse show, exhibition, lecture, barbecue, or dinner, to which the public is invited or admitted, with or without charge for admission. The net proceeds must benefit solely the non-profit organization.

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| A. | Benefit Performance | \$49 |
| B. | Duplicate License | \$13 |

V. STORAGE OF VENDOR-CONFISCATED GOODS

This regulation sets a fee for the storage of goods confiscated by the Department of Permitting Services enforcement staff from vendors illegally offering goods for sale.

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|-------------|------|
| Storage Fee | \$62 |
|-------------|------|

VI. INDIVIDUAL WATER-SUPPLY AND SEWAGE-DISPOSAL SYSTEMS

- A. General
1. In the case of an abandonment or discontinuance of a project under permit, the person who has paid the permit fee may return the permit for cancellation and, upon cancellation, may be refunded up to 50 percent of the fee paid, provided: (1)



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No construction has occurred, and (2) A written request for refund is made prior to the expiration date of the permit. Revoked, suspended or invalid permits or licenses, or licenses or permits in litigation, are not eligible for refunds.

2. Permits are valid for a period of one year. The fee to extend a permit after written application and before the expiration of the original permit is \$80. The extension is limited to six (6) months. Only one extension may be granted for each permit.
 3. Permit fees are not transferable.
 4. The fee for revisions to permit information after submission by the applicant is \$80.
 5. The fee for minor plan revisions is the Minor-Plan-Review Fee.
 6. The fee for investigation, review and issuance of a permit to repair an existing sewage-disposal system is the Minor-Plan-Review Fee.
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| B. | Conventional Percolation Tests Per Lot (each visit) | \$305 |
| C. | Percolation Tests Per Lot for Mound Systems (each visit) | \$550 |
| D. | Percolation Tests Per Lot for Alternative and Innovative Systems (each visit) | \$550 |
| E. | Water-Table-Level Check (each visit) | \$245 |
| F. | Individual-Sewage-Disposal-System Permit | \$550 |
| G. | Plans Review for Subdivision Lots and Revisions (Per Lot) | \$295 |
| H. | Minor Plan Review | \$160 |
| I. | Septage-Hauler-Permit Inspection (per truck) | \$120 |



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VII. INDEXING OF FEES TO LABOR COST INCREASES

The Director of Permitting Services must adjust each fee set in or under this regulation on July 1 of each year. The Department of Permitting Services may raise this fee annually by regulation by a percentage that does not exceed the rate of the increase (if any) in the department's approved personnel costs for the then-current fiscal year compared to the approved personnel costs for the preceding fiscal year. For fees of \$100 or more, the Director must calculate the revised fee to the nearest five dollars. For fees under \$100, the Director must calculate the revised fee to the nearest dollar.

The Director must publish the amount of this adjustment not later than July 1 of each year.

VIII. MISCELLANEOUS

Filing fees and permit fees are based on fees in effect on the date the application was filed. All other fees are based on fees in effect at the time the service is requested (revision fee, extension fee, etc.).

IX. SEVERABILITY

If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

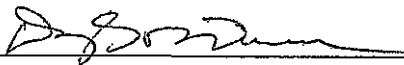


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EFFECTIVE DATE: This regulation becomes effective July 1, 2005.


Douglas M. Duncan, County Executive

07/13/05
Date

~~Agreement as to Jurisdiction~~
~~Montgomery County, Inc. County Executive~~
